

**JOURNAL**  
OF THE  
**SENATE OF TEXAS**  
BEING THE  
**Fourth Called Session**  
OF THE  
**FORTY-FIRST LEGISLATURE**  
BEGUN AND HELD AT  
**The City of Austin, January 20, 1930**



WENDELL O'NEAL, Journal Clerk.  
MRS. HUGH HARRIS, First Assistant Journal Clerk.

G. C. BALDWIN & SONS  
STATE PRINTERS  
AUSTIN

# SENATE JOURNAL

*Forty-First Legislature—Fourth Called Session.*

## FIRST DAY.

Senate Chamber,  
Austin, Texas.

Monday, January 20, 1930.

The Senate met at 12 o'clock noon pursuant to the call of the Governor, and was called to order by Lieutenant Governor Barry Miller.

## Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary, Bob Barker; Sergeant-at-Arms, A. W. Holt; Journal Clerk, Wendell O'Neal; Doorkeeper, Warren Freund.

## Roll Call.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Parr.

## Proclamation of the Governor.

The Chair laid before the Senate the Governor's proclamation as follows:

Proclamation by the Governor of the State of Texas.

To All to Whom These Presents Shall Come:

WHEREAS, the Forty-first Legislature, at its Second Called Session passed Senate Bill No. 49, authorizing and directing the Prison Board, together with four members of the

Senate, selected by the Lieutenant Governor, and five members of the House of Representatives, selected by the Speaker of the House of Representatives, and known as the Texas Prison Centralization Commission, to make a complete investigation of all matters pertaining to the centralization and re-location of the prison system of this State and the rehabilitation thereof; and further authorizing and directing the said Commission to submit to the Legislature of Texas a plan, or plans, for the location or centralization of the prison system of Texas; showing in detail, itemized estimates of the cost of such system, or systems, and an analysis of the operating expense and estimated returns. Said Act came before the Senate and House in the form of a report of a Conference Committee, and was adopted by each branch of the Texas Legislature by a unanimous vote; and,

WHEREAS, said Texas Prison Centralization Commission has completed its investigation and prepared and presented to me its majority and minority reports, and the same are ready for presentation to the Legislature; and,

WHEREAS, the physical properties now constituting the Texas Prison System are of such a nature as to make impossible the efficient operation of a modern penal institution, and are responsible for the failure of the prison system to accomplish the major and more important purposes of such an institution; and the nature of said properties are such as to encourage the escape of inmates, and the attempted operation of said properties as a prison system have constituted a continuous and expensive drain upon the resources of this State for years; and

WHEREAS, the need of reformation and reorganization of said prison system is an emergency, as is recognized by the Legislature in said bill above referred to wherein it is stated that "the fact that the urgent and vital necessity of establishing in this State a modern, efficient and adequate system is apparent to all,

and that it is imperative in the creation of such a system by the Legislature to have before each legislator detailed and accurate data and information which can be secured only by the passage of an Act of this nature; and that it will be necessary for such Commission to begin its labors at the earliest date, create an emergency and an imperative public necessity; and humanitarian considerations, State pride and the economic welfare of the State call for a prompt solution of this public problem; and

WHEREAS, the Forty-first Legislature, at its Second Called Session passed Senate Concurrent Resolution No. 20, providing for the appointment of a committee consisting of two members of the Senate, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House of Representatives, for the purpose of making an investigation in reference to fees of officers, in this State, who are paid either in whole or in part under the Fee Bill, and to ascertain and report on the amounts earned by various officers paid on such basis, and how much they retain out of such fees or other compensation; and

WHEREAS, said committee was appointed; has made the investigations contemplated by said Resolution, and has prepared and presented to me its report; and

WHEREAS, said report reflects certain deficiencies in our laws requiring the keeping of reports by public officers; that some county officers are receiving as much as \$22,000.00 net per year; that with apparent legal sanction some county officers are placing trust funds in banks and drawing and retaining interest on the daily balances thereof; that with apparent legal authority certain officers are being allowed additional compensation over and above that fixed by law; that fees in delinquent tax suits are more burdensome than just; and that certain counties are entering into contracts for the collection of delinquent taxes at unreasonable rates of compensation to the contractor which results in imposing a burden upon the State revenues, and said committee reports that the State will lose under these extravagant contracts probably as much as one-half million dollars over and above what would be a rea-

sonable compensation for the collection of said taxes; and

WHEREAS, the economic welfare of the State, and the proper dignity of Texas requires the prompt and speedy re-organization and reformation of Texas' antiquated and outworn make-shift of a prison system, and the good and well being of the State requires that legislative attention be given to the report of said legislative committee which investigated the operation of the Fee System in this State;

NOW, THEREFORE, I, DAN MOODY, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution of this State, hereby call a

#### Special Session

of the Forty-first Legislature, to be convened in the City of Austin, commencing at twelve o'clock, noon, on Monday, the twentieth day of January, A. D., 1930, for the purpose:

1. To provide for the reorganization and reformation of the Texas Prison System, and the improvement of the Texas Prison System into a modern penal institution.

2. To consider the report of said legislative committee appointed to investigate the operation of the Fee System, and the enactment of laws placing proper limits upon the fees of officers, and preventing the collection of unreasonable compensation in the matters pointed out in said report.

3. To consider and act on such other subjects of public importance as may, from time to time during the Session, be submitted by message or otherwise.

IN TESTIMONY WHEREOF, I hereunto sign my name and cause to be impressed herein the Seal of the State, of Texas at Austin, this the fourteenth day of January, A. D., 1930.

DAN MOODY,  
(SEAL) Governor of Texas.

BY THE GOVERNOR:  
JANE Y. McCALLUM,  
Secretary of State.

THE STATE OF TEXAS,  
Department of State.

I, Jane Y. McCallum, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of the Procla-

mation issued by the Governor of the State of Texas on January 14, 1930, calling a Special Session of the Forty-first Legislature to convene in the City of Austin at twelve o'clock, noon, Monday, the twentieth day of January, A. D., 1930.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon, the Seal of State at my office in the City of Austin, this fourteenth day of January, A. D., 1930.

JANE Y. McCALLUM,

Secretary of State.

The proclamation was read.